

IN THE UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:22-CV-344-FL

BENJAMIN C. LOCKE,

Plaintiff,

v.

ROBERT M. MURPHY JR., in his Official  
and Individual Capacities,

Defendant.

**REPORT OF THE PARTIES'**  
**PLANNING MEETING**

**Rule 26(f)**

The following persons participated in a Rule 26(f) conference on October 25, 2023 by telephone:

1. Kerstin W. Sutton, representing Plaintiff Benjamin C. Locke, and Jared Hammett, representing Defendant Robert M. Murphy, Jr.
2. Initial Disclosures: The parties will complete the initial disclosures required by Rule 26(a)(1) by December 8, 2023.
3. Discovery Plan. The parties propose this discovery plan:
  - (a) Discovery will be needed on these subjects: liability and damages.
  - (b) Date for commencing discovery: January 5, 2024. Date for completing discovery: September 1, 2024.
  - (c) Maximum number of interrogatories by each party to another party, along with the dates the answers are due: 30 per party served and due 30 days after service, unless additional time is allowed by the party serving the interrogatories, with such leave freely given.
  - (d) Maximum number of requests for admission, along with the dates responses are due: 30 per party served and due 30 days after service, unless additional time is allowed by the party serving the interrogatories, with such leave freely given.

- (e) Maximum number of depositions by each party: 10 per party as to fact witnesses.
- (f) Limits on the length of depositions, in hours: Until completion.
- (g) Dates for exchanging reports of expert witnesses: For Plaintiff – May 1, 2024; for Defendants – June 1, 2024.
- (h) Dates for supplementations under Rule 26(e): As required by the Federal Rules of Civil Procedure.
- (i) Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced: Other than information filed/to be filed under seal pursuant to agreed-upon protective order, none at this time.
- (j) Any issues about claims of privilege or of protection as trial-preparation materials: Other than information filed/to be filed under seal pursuant to agreed-upon protective order, none at this time.

4. Other Items:

- (a) A date if the parties ask to meet with the court before a scheduling order: 14 days prior to the issuance of the scheduling order, if ordered by the Court.
- (b) Requested date for pretrial conferences: 14 days before trial.
- (c) Final date for plaintiffs to amend pleadings or to join parties: March 15, 2024.
- (d) Final date for defendants to amend pleadings or to join parties: March 15, 2024.
- (e) Final date to file dispositive motions: 15 days after the close of discovery.
- (f) State the prospects for settlement: Unknown at this time.
- (g) Identify any alternative dispute resolution procedure that may enhance settlement prospects and the timing of such procedure: Mediation.
- (h) Final date for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists: 45 days prior to trial.
- (i) Final date to file objections under Rule 26(a)(3): As required by the Federal Rules of Civil Procedure.
- (j) Suggested trial date and estimate of trial length: By or on December 9, 2024; estimated length is one week.

(k) Other matters: None at this time.

Respectfully submitted,

This the 30th day of November, 2023.

/s/Kerstin Walker Sutton

KERSTIN W. SUTTON

Attorney for Plaintiffs

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/s/Jared Hammett

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